

## **REMARKS**

### **Summary**

Claims 12 and 14-24 are pending in this application. Favorable reconsideration and allowance of the pending claims are requested.

### **Claim Rejections - 35 U.S.C. § 102**

Claim 12 stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,523,172 to Drothen et al. (hereinafter “Drothen”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either implicitly or inherently, of each element of a claimed invention in a single reference. Moreover, the anticipating prior art reference must describe the recited invention with sufficient clarity and detail to establish that the claimed limitations existed in the prior art and that such existence would be recognized by one having ordinary skill in the art. Absence from an allegedly anticipating prior art reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 1571 (Fed. Cir. 1986) (emphasis added).

Applicant submits that Drothen fails to teach each and every element recited in claim 12 and thus defines over Drothen. For example, Drothen fails to teach at least “a fusible wire wound about and in contact with the core forming a plurality of first windings” as recited in amended claim 1.

According to the Office Action, the above-recited language is disclosed by Drothen at reference 7 of Figs. 2-3. However, the fuse element 7 of Drothen includes a silicone sleeve 10 (shown in Fig. 3b) and a double fabric ply 11. (See column 4, lines 38-41 of Drothen). The fuse element 7 of Drothen does not “in contact with the core forming a plurality of winding” as recited in amended claim 1. Only the double fabric ply 11 of Drothen is in contact with the core (or “former” as referred to in Drothen).

Consequently, Drothen fails to provide an identical disclosure of at least this element of the claimed subject matter.

Additionally, Applicant respectfully submits that claim 1 defines over Drothen because Drothen also fails to disclose, teach or suggest at least the following language: “wherein the insulating fiber of each of the second windings is adjacent a surface of the fusible wire of a subsequent one of the second windings.” According to the Office Action, the above-recited language is disclosed by Drothen at Fig. 2 and the Examiner included an annotated figure pointing out the fusible wire (7) with an insulating fiber (10). However, the insulating fiber of Drothen is adjacent the insulating fiber of an adjacent winding. In contrast, “the insulating fiber of each of the second windings” as recited in amended claim 1 is “adjacent a surface of the fusible wire of a subsequent one of the second windings.” Consequently, Drothen also fails to provide an identical disclosure of at least this element of the claimed subject matter.

Absence from Drothen of the above-mentioned claim elements negates anticipation. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 12.

Claim 12 also stands rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,486,155 to McCaughna (hereinafter “McCaughna”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant submits that McCaughna fails to teach each and every element recited in claim 12 and thus defines over McCaughna. For example, McCaughna fails to teach at least “an electrically insulated fibre wound about the core forming a plurality of second windings disposed between each of said plurality of fusible wire windings wherein the insulating fibre of each of the second windings is adjacent a surface of the fusible wire of a subsequent one of the second windings” as recited in amended claim 1.

According to the Office Action, the above-recited language is disclosed by McCaughna at Fig. 1. The Examiner also provided an annotated reproduction of Fig. 1 and contends that “the insulating fiber (10) is disposed between each of the plurality of the fusible wire windings adjacent a fusible wire (11) of the subsequent winding.”

However, the Examiner has mischaracterized McCaughna since Figs. 1 only shows the fuse element and does not show the fuse element wound around the ceramic core (12) which is shown in Fig. 2. Figs. 2 of McCaughan arguably discloses the fusible element wound around core (12), but clearly does not disclose the “insulating fibre of each of the second windings is adjacent a surface of the fusible wire of a subsequent one of the second windings” as recited in amended claim 1. Consequently, McCaughan also fails to provide an identical disclosure of at least this element of the claimed subject matter.

Absence from McCaughan of the above-mentioned claim elements negates anticipation. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 12.

**Claim Rejections - 35 U.S.C. § 103**

Claims 14-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drothen taken alone. Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

Applicant respectfully submits that claims 14-23 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to independent claim 1. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Since claims 14-23 depend either directly or indirectly from independent claim 12, these dependent claims are not obvious and are patentable over the cited references. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 14-23 that depend from claim 1, and therefore contain additional features that further distinguish these claims from the cited references.

**Conclusion**

It is believed that claims 12 and 14-24 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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Under 37 CFR 1.34(a)

Dated: February 9, 2011

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